

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA :

-v.- :

MARIO S. LEVIS, :
a/k/a "Sammy Lewis," :

Defendant. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/29/08

Order

08 Cr. 181 (TPG)

GRIESA, D.J.

WHEREAS, on July 18, 2008, the defendant filed pretrial motions seeking orders from the Court: (1) transferring this case to the District of Puerto Rico; (2) compelling the disclosure of a witness list, an exhibit list, and notice of 404(b) evidence 90 days in advance of trial; and (3) suppressing certain statements made by defendant;

WHEREAS, on August 15, 2008, the Government submitted a response to defendant's motions;

WHEREAS, defendant's reply memorandum to the Government's response is currently due to be submitted to the Court on August 29, 2008;

WHEREAS, the defendant requests an extension of time in which to submit his reply until September 4, 2008;

WHEREAS, there is a conference scheduled in this matter for September 4, 2008;

WHEREAS, the defendant further seeks an adjournment of the conference until September 15, 2008 at 4:30 p.m.;

WHEREAS, the Government consents both to the extension of time for the submission of the defendant's reply and the adjournment of the conference;

WHEREAS, the time afforded by the adjournment of the conference will be utilized by the defendant to prepare his reply to the Government's response, by the parties to prepare for argument at the September 15, 2008 conference, and by the Court to review the papers submitted by the parties relating to the defendant's various pretrial motions;

WHEREAS, the time between September 4, 2008 and September 15, 2008 will otherwise be used by defense counsel to review discovery, consult with the defendant, and generally to prepare for trial;

WHEREAS, defense counsel consents to the exclusion of time under the Speedy Trial Act until September 15, 2008;

WHEREAS, Courts "shall" exclude time relating to delay resulting from "any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" and "any proceeding relating to the transfer of a case" 18 U.S.C. § 3161(h)(1)(F)-(G);


WHEREAS, the exclusion of time until September 15, 2008 will serve the interests of justice and outweigh the interests of the public and the defendant in a speedy trial because it will ensure the effective assistance of counsel, continuity of counsel, and prevent any miscarriage of justice that would result if such continuance were not granted, 18 U.S.C. § 3161(h)(8)(A)-(B);

IT IS HEREBY ORDERED that the defendant's application for an extension of time in which to submit his reply until September 4, 2008 is GRANTED;

IT IS FURTHER ORDERED that the defendant's application for an adjournment of the conference scheduled in this matter for September 4, 2008 until September 15, 2008 at 4:30 p.m. is GRANTED;

IT IS FURTHER ORDERED that the time until September 15, 2008 be excluded from the calculation of time under the Speedy Trial Act. The delay until that time is attributable to ongoing and active litigation relating to the defendant's pretrial motions, one of which seeks the transfer of this case to the District of Puerto Rico. 18 U.S.C. § 3161(h)(1)(F)-(G). Furthermore, the continuance of this matter will serve the interests of justice and outweigh the interests of the public and the defendant in a speedy trial because it will ensure the effective assistance of counsel, continuity of counsel, and prevent any miscarriage of justice that would result if such continuance were not granted. 18 U.S.C. § 3161(h)(8)(A)-(B).

Dated: New York, New York
August 29, 2008


UNITED STATES DISTRICT JUDGE